

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COACH, INC. and COACH SERVICES, INC.,

Plaintiffs,

-against-

USA TIGER GROUP INC., FU YIN SHAO
and DOES 1 THROUGH 10,

Defendants.

:
:
Civil Action No. 10-cv-08400 (DLC)

: **ANSWER**
:

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Defendants, USA Tiger Group Inc. ("Tiger") and Fu Yin Shao ("Defendants"), through
its attorneys Cowan, Liebowitz & Latman, P.C., answers the Complaint in this action as follows:

1. Defendants admit that plaintiffs purport to state claims herein under the statutes
set forth in paragraph 1 of the Complaint.

2. Defendants admit the allegations set forth in paragraph 2 of the Complaint.

3. Defendants admit the allegations set forth in paragraph 3 of the Complaint.

4. Defendants admit the allegations set forth in paragraph 4 of the Complaint.

5. Defendants are without knowledge sufficient to form a belief as to the truth of the
allegations contained in paragraph 5 and therefore denies such allegations.

6. Defendants are without knowledge sufficient to form a belief as to the truth of the
allegations contained in paragraph 6 and therefore denies such allegations.

7. Defendants admit the allegations set forth in paragraph 7 of the Complaint.

8. Defendant Fu Yin Shao admits he is a citizen of New York and Chief Executive
Officer of defendant Tiger. Except as admitted, defendants deny the remaining allegations of
paragraph 8 of the Complaint.

9. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint and therefore denies such allegations.

10. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint and therefore denies such allegations.

11. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and therefore denies such allegations.

12. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and therefore denies such allegations.

13. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint and therefore denies such allegations.

14. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint and therefore denies such allegations.

15. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint except that it admits plaintiffs appear to own the trademark registrations listed.

16. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint and therefore denies such allegations.

17. No allegation against defendants are set forth in paragraph 17.

18. No allegation against defendants are set forth in paragraph 18.

19. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint and therefore denies such allegations.

20. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint and therefore denies such allegations.

21. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint and therefore denies such allegations.

22. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint and therefore denies such allegations.

23. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint and therefore denies such allegations.

24. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint and therefore denies such allegations.

25. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint and therefore denies such allegations.

26. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the Complaint and therefore denies such allegations.

27. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the Complaint and therefore denies such allegations.

28. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of the Complaint and therefore denies such allegations.

29. Defendants deny the allegations set forth in paragraph 29 of the Complaint.

30. Defendants deny the allegations set forth in paragraph 30 of the Complaint.

31. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Complaint and therefore denies such allegations.

32. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Complaint and therefore denies such allegations,

however defendants admit its business bears a sign which states “importer, distributor, wholesaler”.

33. Defendants admit the allegations set forth in paragraph 33 of the Complaint, however denies any implication that defendants in any way hold themselves out as authorized Coach retailers, wholesalers, distributors or importers.

34. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint and therefore denies such allegations.

35. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint and therefore denies such allegations.

36. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the Complaint and therefore denies such allegations.

37. Defendant USA Tiger admits it is the owner of the registered trademark set forth in paragraph 37 of the Complaint.

38. Defendants deny the allegations set forth in paragraph 38 of the Complaint.

39. Defendants deny the allegations set forth in paragraph 39 of the Complaint.

40. Defendants admit they have no license or authority from Coach; however, they deny any license is necessary and therefore deny the allegations set forth in paragraph 40.

41. Defendants deny the allegations set forth in paragraph 41 of the Complaint.

42. Defendants deny the allegations set forth in paragraph 42 of the Complaint.

43. Defendants deny the allegations set forth in paragraph 43 of the Complaint.

44. Defendants deny the allegations set forth in paragraph 44 of the Complaint.

COUNT I

(Trademark Counterfeiting and Infringement, 15 U.S.C. §1114)

45. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 44 as if fully set forth herein.

46. Defendants deny the allegations set forth in paragraph 46 of the Complaint.

47. Defendants deny the allegations set forth in paragraph 47 of the Complaint.

48. Defendants deny the allegations set forth in paragraph 48 of the Complaint.

49. Defendants deny the allegations set forth in paragraph 49 of the Complaint.

50. Defendants deny the allegations set forth in paragraph 50 of the Complaint.

51. Defendants deny the allegations set forth in paragraph 51 of the Complaint.

52. Defendants deny the allegations set forth in paragraph 52 of the Complaint.

COUNT II

(Trade Dress Infringement, 15 U.S.C. §1125(a))

53. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 52 as if fully set forth herein.

54. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 54 of the Complaint and therefore denies such allegations.

55. Defendants deny the allegations set forth in paragraph 55 of the Complaint.

56. Defendants deny the allegations set forth in paragraph 56 of the Complaint.

57. Defendants deny the allegations set forth in paragraph 57 of the Complaint.

58. Defendants deny the allegations set forth in paragraph 58 of the Complaint.

59. Defendants deny the allegations set forth in paragraph 59 of the Complaint.

60. Defendants deny the allegations set forth in paragraph 60 of the Complaint.

61. Defendants deny the allegations set forth in paragraph 61 of the Complaint.

COUNT III

(Cancellation of U.S. Registration No. 3,715,254 – 15 U.S.C. §1119)

62. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 61 as if fully set forth herein.

63. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 63 of the Complaint and therefore denies such allegations.

64. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 64 except, admit that the U.S. trademark registrations appeared to have been issued on the dates set forth in paragraph 64 of the Complaint.

65. Defendants admit the allegations set forth in paragraph 65 of the Complaint.

66. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 66 of the Complaint and therefore denies such allegations.

67. Defendants deny the allegations set forth in paragraph 67 of the Complaint.

68. Defendants deny the allegations set forth in paragraph 68 of the Complaint.

69. Defendants deny the allegations set forth in paragraph 69 of the Complaint.

70. Defendants deny the allegations set forth in paragraph 70 of the Complaint.

71. Defendants deny the allegations set forth in paragraph 71 of the Complaint.

72. Defendants deny the allegations set forth in paragraph 72 of the Complaint.

COUNT IV

(False Designation of Origin and False Advertising, 15 U.S.C. §1125(a))

73. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 72 as if fully set forth herein.

74. Defendants deny the allegations set forth in paragraph 74 of the Complaint.

75. Defendants deny the allegations set forth in paragraph 75 of the Complaint.

76. Defendants deny the allegations set forth in paragraph 76 of the Complaint.

77. Defendants deny the allegations set forth in paragraph 77 of the Complaint.

78. Defendants deny the allegations set forth in paragraph 78 of the Complaint.

COUNT V

(Trademark Dilution, 15 U.S.C. §1125(c))

79. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 78 as if fully set forth herein.

80. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the Complaint and therefore denies such allegations.

81. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 81 of the Complaint and therefore denies such allegations.

82. Defendants deny the allegations set forth in paragraph 82 of the Complaint.

83. Defendants deny the allegations set forth in paragraph 83 of the Complaint.

84. Defendants deny the allegations set forth in paragraph 84 of the Complaint.

85. Defendants deny the allegations set forth in paragraph 85 of the Complaint.

86. Defendants deny the allegations set forth in paragraph 86 of the Complaint.

COUNT VI

(Copyright Infringement, 17 U.S.C. §501)

87. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 86 as if fully set forth herein.

88. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 88 of the Complaint and therefore denies such allegations.

89. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 89 of the Complaint and therefore denies such allegations.

- 90. Defendants deny the allegations set forth in paragraph 90 of the Complaint.
- 91. Defendants deny the allegations set forth in paragraph 91 of the Complaint.
- 92. Defendants deny the allegations set forth in paragraph 92 of the Complaint.
- 93. Defendants deny the allegations set forth in paragraph 93 of the Complaint.
- 94. Defendants deny the allegations set forth in paragraph 94 of the Complaint.
- 95. Defendants deny the allegations set forth in paragraph 95 of the Complaint.

COUNT VII

(Trademark Infringement, N.Y. Art & Cult. Aff. Law §33.09)

- 96. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 95 as if fully set forth herein.

- 97. Defendants deny the allegations set forth in paragraph 97 of the Complaint.
- 98. Defendants deny the allegations set forth in paragraph 98 of the Complaint.
- 99. Defendants deny the allegations set forth in paragraph 99 of the Complaint.
- 100. Defendants deny the allegations set forth in paragraph 100 of the Complaint.
- 101. Defendants deny the allegations set forth in paragraph 101 of the Complaint.
- 102. Defendants deny the allegations set forth in paragraph 102 of the Complaint.
- 103. Defendants deny the allegations set forth in paragraph 103 of the Complaint.
- 104. Defendants deny the allegations set forth in paragraph 104 of the Complaint.

COUNT VIII

(Trademark Dilution, N.Y. Gen. Bus. Law §360 et. seq.)

- 105. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 104 as if fully set forth herein.

- 106. Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 106 of the Complaint and therefore denies such allegations.

107. Defendants deny the allegations set forth in paragraph 107 of the Complaint.

108. Defendants deny the allegations set forth in paragraph 108 of the Complaint.

109. Defendants deny the allegations set forth in paragraph 109 of the Complaint.

110. Defendants deny the allegations set forth in paragraph 110 of the Complaint.

111. Defendants deny the allegations set forth in paragraph 111 of the Complaint.

112. Defendants deny the allegations set forth in paragraph 112 of the Complaint.

113. Defendants deny the allegations set forth in paragraph 113 of the Complaint.

COUNT IX

(Deceptive Practices and False and Misleading Advertising, N.Y. Gen. Bus. Law §§349 and 350)

114. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

115. Defendants deny the allegations set forth in paragraph 115 of the Complaint.

116. Defendants deny the allegations set forth in paragraph 116 of the Complaint.

117. Defendants deny the allegations set forth in paragraph 117 of the Complaint.

118. Defendants deny the allegations set forth in paragraph 118 of the Complaint.

119. Defendants deny the allegations set forth in paragraph 119 of the Complaint.

COUNT X

(Unfair Competition)

120. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 119 as if fully set forth herein.

121. Defendants deny the allegations set forth in paragraph 121 of the Complaint.

122. Defendants deny the allegations set forth in paragraph 122 of the Complaint.

123. Defendants deny the allegations set forth in paragraph 123 of the Complaint.

124. Defendants deny the allegations set forth in paragraph 124 of the Complaint.

125. Defendants deny the allegations set forth in paragraph 125 of the Complaint.

COUNT XI

(Unjust Enrichment)

126. Defendants repeat and reallege the allegations set forth in paragraphs 1 through 125 as if fully set forth herein.

127. Defendants deny the allegations set forth in paragraph 127 of the Complaint.

AFFIRMATIVE DEFENSES

128. Plaintiffs fail to state a claim for which relief may be granted.


129. Plaintiffs claims are barred by laches, estoppels and unclean hands.

PRAYER FOR RELIEF

WHEREFORE, Defendants, Tiger and Fu Yin Shao respectfully request that the Court dismiss the claims against them.

Dated: New York, New York
December 14, 2010

Respectfully submitted,
COWAN, LIEBOWITZ & LATMAN, P.C.

By: 
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